

**AUGUST 21, 2018 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2**

ITEM OB-028

PURPOSE

To consider a stipulation amendment for Reyes Morales regarding rezoning application #59 of 1981 for property located on the west side of Clearwater Drive and on the north side of Hamilton Place in Land Lot 720 of the 17th District (1977 Hamilton Place). **Continued by the staff from the June 19 and July 17, 2018 hearings.**

BACKGROUND

The subject property was zoned to RM-10T for townhouses in 1981. One of the zoning stipulations required a 50-foot undisturbed buffer along Clearwater Drive and along the northeastern property line. The applicant has placed a wood patio, hot tub (with covering) and fencing into parts of the 50' undisturbed buffer area. There was a complaint about these intrusions into the buffer from a neighbor and the applicant was visited by Code Enforcement. Code enforcement directed the applicant to either remove the structures from the buffer, or apply for Other Business to amend the buffer area. The applicant would like to keep the hot tub structure in the buffer, and would like to keep the fencing for privacy and security. The wood patio has been removed. If approved all other zoning stipulations would remain in effect.

STAFF COMMENTS

No comments.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan amendment.

ATTACHMENTS

Other Business Application, proposed site plan and zoning stipulations.

Application for "Other Business"

06-28-2018

Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 6-19-18

Applicant: REYES MORALES Phone #: 678-548-6460
(applicant's name printed)

Address: 1977 HAMILTON PL. E-Mail: REYESMORALES1971@GMAIL.COM

REYES MORALES Address: 1977 HAMILTON PL. MARIETTA, GA 30067
(representative's name, printed)

[Signature] Phone #: _____ E-Mail: _____
(representative's signature)

Signed, sealed and delivered in presence of:

Rosie L. Goodner
Notary Public My commission expires: 03-24-2022



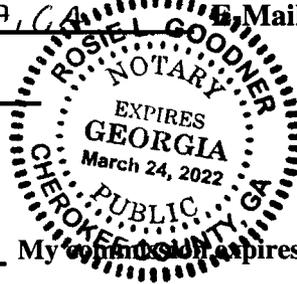
Titleholder(s): REYES MORALES Phone #: 678-548-6460
(property owner's name printed)

Address: 1977 HAMILTON PL. MARIETTA, GA E-Mail: REYES MORALES 1971@GMAIL.COM

(Property owner's signature)

Signed, sealed and delivered in presence of:

Rosie L. Goodner
Notary Public My commission expires: 03/24/2022



Commission District: 2 Zoning Case: Z-59 of 1981

Size of property in acres: 0.25 Original Date of Hearing: _____

Location: 1977 HAMILTON PL. MARIETTA, GA 30067
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 649 District(s): 17

State specifically the need or reason(s) for Other Business: _____

REMOVE THE BUILDING TO EXTEND UNDERLYING AREA.
TO PUT - HOT-TUB AND PATIO
GIVE BETTER QUALITY - LIFE. FOR MY FAMILY.

(List or attach additional information if needed)



HB 76 NOTE, EFFECTIVE MAY 08, 2017
Code Section 15-6-67, iii

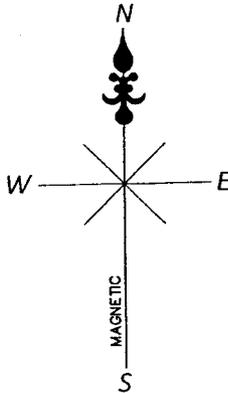
This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS OF WAY BOTH PUBLIC AND PRIVATE. ALL MATTERS OF TITLE EXCEPTED.

EQUIPMENT USED FOR FIELD MEASUREMENTS:
ANGULAR- LEICA TS02
LINEAR - ELECTRONIC DISTANCE METER.

DRAWN AND FIELDWORK BY: D SHIRLEY
THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN ACCORDING TO F.E.M.A/ F.I.R.M. MAP# 13067C0128H DATED 11/2/2012

LINE	BEARING	DISTANCE
L1	N 88°17'15" W	5.85'
L2	S 01°42'37" W	23.00'
L3	S 87°33'55" E	11.47'
L4	N 68°21'35" E	12.62'
L5	S 88°17'33" E	16.00'
L6	S 01°13'05" W	30.04'

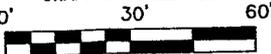


SURVEY NOTES:
CREW = DS / DS
FIELD DATE: 2/19/2018
EQUIPMENT = LEICA TS02
FIELD E/C = 1" IN 11,220'
ANGULAR ERROR 2" PER POINT
DRAWN = D.S.
MAP DATE : 2/26/2018
PLAT E/C = 1" IN 98144'

LEGEND

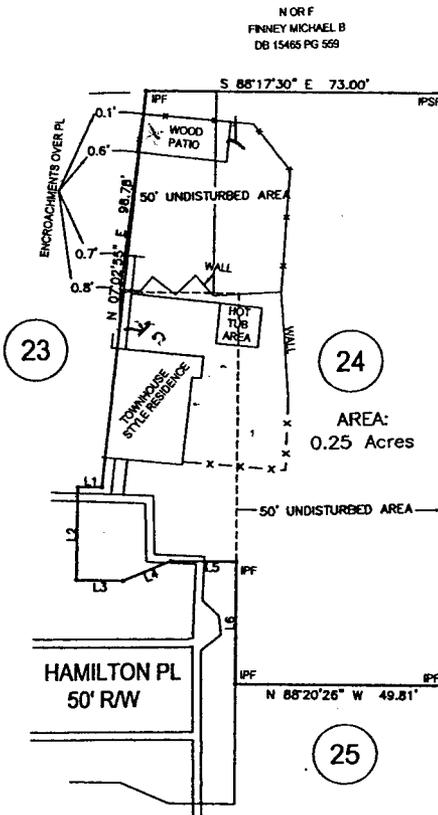
- PROPERTY CORNER WITHOUT MONUMENT
- MONUMENTED PROPERTY CORNER
- OTF OPEN TOP PIPE
- CTP CRIMPED TOP PIPE
- R/W RIGHT OF WAY
- DB DEED BOOK
- PB PLAT BOOK
- PG PAGE
- N/F PRESENT OR FORMER OWNER
- N.T.S. NOT TO SCALE
- IPSF IRON PIN SET FUTURE
- IPF IRON PIN FOUND
- L.L. LAND LOT
- S/D SUBDIVISION
- P.O.B. POINT OF BEGINNING
- POWER POLE
- OVERHEAD POWER LINE
- DE DRAINAGE EASEMENT
- SSE SANITARY SEWER EASEMENT
- X- FENCE
- BL BUILDING LINE
- TOB TOP OF STREAM BANK

GRAPHIC SCALE: SCALE: 1" = 30'



PREPARED BY:
D & S LAND SURVEYING, INC.

DAVID W. SHIRLEY, R.L.S.
4817-C HWY 53 E
TATE, GA 30177
770-720-4443
LSF#000756
JOB NUMBER: 18-053



ALL IRON PINS FOUND AND SET ARE 1/2" REBAR UNLESS OTHERWISE NOTED. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A LEGAL TITLE SEARCH, AND IS SUBJECT TO ANY AND ALL DISCLOSURES PRODUCED BY SAME INCLUDING EASEMENTS WHETHER OR NOT SHOWN ON THIS PLAT. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITY NAMED HEREON. EDITING OR REPRODUCTION WITHOUT THE CONSENT OF THE SURVEYOR IS PROHIBITED.

BOUNDARY SURVEY FOR:	
REYES MORALES	
1977 HAMILTON PLACE MARIETTA, GA 30067	
LOT 24 HAMILTON PLACE SUBDIVISION	
LAND LOT 720, DISTRICT 17, SECTION 2	
COBB COUNTY, GEORGIA	
DATE OF FIELDWORK: 2/19/2018	MAP DATE: 2/28/2018

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES

COBB COUNTY PLANNING COMMISSION

Date of Application 2-26-81 Date of Hearing, Wed. 1:00 P

Titleholder James H. Brown James H. Brown

Address 955 Cheatham Hill Rd., Marietta, GA 30064 Phone 428-6232

Applicant Diversified Developments, Inc. 151

Address 218 Roswell St., Suite 203, Marietta, GA 30060 Phone 422-1286

to Zone From GC To RM-10T Land Use _____

FOR THE PURPOSE OF FEE SIMPLE TOWNHOUSES

Land Lot (s) 649 + 720, District 17th, Sec. 2nd Cobb County, Ga.,

CONTAINING 4.0335 acres

LOCATED: _____

This property being more particularly described as follows:

All that tract or parcel of land lying and being in Land Lots 649 and 720 of the 17th District, 2nd Section, Cobb County, Georgia, and being 4.0335 acres of land more particularly described as follows:

BEGINNING at a point on the westerly side of Clearwater St. located 13.50 feet south of the intersection of the north line of Land Lot 720 with the westerly side of Clearwater St.; running thence south 01°21'46" west along the westerly side of Clearwater St. for 239.84 feet to an iron pin; running thence south along the westerly side of Clearwater St. for 64.3 feet to an iron pin; running thence south 57°44'13" west for 196.00 feet to an iron pin; running thence north 01°32'53" east for 187.50 feet to an iron pin; running thence south 57°15'49" west for 55.40 feet to an iron pin; running thence north 68°41'16" west for 219.50 feet to an iron pin on the southeasterly side of the cul-de-sac of Moultrie Circle (not open); running thence northeasterly, northwesterly, southwesterly and southeasterly around the cul-de-sac of Moultrie Circle for 115.63 feet to an iron pin; running thence southwesterly along the northwesterly side of Moultrie Circle for 11.17 feet to an iron pin; running thence south 57° 20'37" west along the northwesterly side of Moultrie Circle for 165.00 feet to an iron pin on the north-easterly side of Powers Ferry Road; running thence north 45°15'00" west along the northeasterly side of Powers Ferry Road for 160.00 feet to an iron pin; running thence north 51°41'49" east for 162.22 feet to an iron pin; running thence north 45°15'00" west for 80.00 feet to an iron pin on the north line of Land Lot 649 (being also the district line); running thence south 88°05'36" east along the north line of Land Lot 649 and continuing along the north line of Land Lot 750 (also the district line) for 533.73 feet to an iron pin; running thence south 1°21'46" west for 13.50 feet to an iron pin; running thence south 88°05'36" east for 160.00 feet to an iron pin on the westerly side of Clearwater St. and the point of beginning.

EXCEPTED from above is any portion of this property sold to Tenneco Oil Co. by deed recorded 22 April, 1971 recorded in Deed Book 1219, page 399, Cobb County Records.

Recommendation of Planning Commission: 4-1-81, Planning Commission recommended application be held. Motion by Nixon, seconded by Diemer; carried 5-0-1, Weeks abstained

5/6/81 Planning Commission recommended application be held. Motion by Nixon, seconded by Fowler; carried 7-0. (SEE ATTACHED PAGE #2)

Bill Adams, Chairman

Final Decision of Board of Commissioners: (SEE ATTACHED PAGE #2)

_____, Chairman

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES

COBB COUNTY PLANNING COMMISSION

ate of Application _____ Date of Hearing _____

pplicant's Name Diversified Dev., Inc.

ddress 218 Roswell St. Suite 203

ecommendation of Planning Commission (Cont'd from page 1):

5/14/81 On a Motion by Nixon, seconded by Diemer, the Board of Appeals
ajourned and reconvened as the Planning Commission; vote 7-0.
Planning Commission recommended applciation be approved per
original plan submitted. Motion by Fowler, seconded by Diemer;
Carried 4-3, Nixon, Atkins, Weeks opposed.

_____, Chairman

Final Decision of Board of Commissioners (Cont'd from page 1):

(6-3-81) Board of Commissioners held application. Motion by Lankford,
Seconded by Barrett; carried 5-0.
6-9-81, Board of Commissioners approved application with the following
stipulations: a 50 foot undisturbed natural buffer along Clearwater Drive
and for 160 feet along southern property line of Mrs. L. C. Smith which
tapers down to 20 feet undisturbed natural buffer along remainder of norther
property line of subject property; a 8 foot privacy fence lined with red
tip photinias to be installed aligned with front corner of Mrs. Smith's home
extending the same distance of 50 foot natural buffer; all drainage plans
to be submitted to the Engineering Department for approval before any
building permits issued. Motion by Lankford, seconded by Thompson; carried
5-0.

Ernest W. Barnett, Chairman



Printed: 5/15/2018

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
OCWEN LOAN SERVICING LLC

MORALES REYES

Payment Date: 10/6/2017

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2017	17072000950	10/15/2017	Pay:	N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$558.56	\$0.00



Scan this code with your mobile phone to view this bill!

REC
MAY 15 2018
COBB CO. COMM. TAX
ZONING DIVISION